

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

CPA of Appl. No. 09/177,387

Filed: October 23, 1998

For: **Recombinational Cloning Using
Nucleic Acids Having Recombination
Sites**



Art Unit: 1636

Examiner: Yucel, R.

Atty. Docket: 0942.2850004/RWE/BJD

Second Supplemental Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is provided.

The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering on Applicants' First Supplemental Information Disclosure Statement filed April 27, 1999 in connection with the above-captioned application.

The Examiner's attention is directed to co-pending U.S. Patent Application Nos. 09/233,492, filed April 22, 1999; 09/233,493, filed April 22, 1999; and 09/432,085, filed November 2, 1999 which concern related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present applications as patents. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Second Supplemental Information Disclosure Statement is being filed within three months of the filing date of the Continued Prosecution Application and before the mailing date of the First Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449 and indicate in the official file wrapper of this patent application that the documents have been considered. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: December 23, 1998

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